

private institutions, the analysis of commercial opportunities represented by such technologies, and such other functions as the development, business planning, market research, and financial packaging required for commercialization. Insofar as such Centers pursue these activities, Federal agencies are encouraged to employ these Centers to interface with small businesses for such purposes as facilitating small business participation in Federal procurement and fostering commercialization of Federally-funded research and development.

(Pub. L. 85-536, §2[28], as added Pub. L. 102-140, title VI, §609(d), Oct. 28, 1991, 105 Stat. 825.)

#### REFERENCES IN TEXT

Section 648a of this title, referred to in subsecs. (e) to (g), was repealed by Pub. L. 102-140, title VI, §609(e), Oct. 28, 1991, 105 Stat. 826, effective Oct. 1, 1992.

#### CHANGE OF NAME

General Accounting Office redesignated Government Accountability Office by section 8 of Pub. L. 108-271, set out as a note under section 702 of Title 31, Money and Finance.

Committee on Small Business of Senate changed to Committee on Small Business and Entrepreneurship of Senate. See Senate Resolution No. 123, One Hundred Seventh Congress, June 29, 2001.

### § 656. Women's Business Center program

#### (a) Definitions

In this section—

(1) the term “Assistant Administrator” means the Assistant Administrator of the Office of Women's Business Ownership established under subsection (g);

(2) the term “private nonprofit organization” means an entity that is described in section 501(c) of title 26 and exempt from taxation under section 501(a) of such title;

(3) the term “small business concern owned and controlled by women”, either startup or existing, includes any small business concern—

(A) that is not less than 51 percent owned by 1 or more women; and

(B) the management and daily business operations of which are controlled by 1 or more women; and

(4) the term “women's business center site” means the location of—

(A) a women's business center; or

(B) 1 or more women's business centers, established in conjunction with another women's business center in another location within a State or region—

(i) that reach a distinct population that would otherwise not be served;

(ii) whose services are targeted to women; and

(iii) whose scope, function, and activities are similar to those of the primary women's business center or centers in conjunction with which it was established.

#### (b) Authority

The Administration may provide financial assistance to private nonprofit organizations to conduct 5-year projects for the benefit of small business concerns owned and controlled by women. The projects shall provide—

(1) financial assistance, including training and counseling in how to apply for and secure business credit and investment capital, preparing and presenting financial statements, and managing cash flow and other financial operations of a business concern;

(2) management assistance, including training and counseling in how to plan, organize, staff, direct, and control each major activity and function of a small business concern; and

(3) marketing assistance, including training and counseling in identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and utilizing varying public relations and advertising techniques.

#### (c) Conditions of participation

##### (1) Non-Federal contributions

As a condition of receiving financial assistance authorized by this section, the recipient organization shall agree to obtain, after its application has been approved and notice of award has been issued, cash contributions from non-Federal sources as follows:

(A) in the first and second years, 1 non-Federal dollar for each 2 Federal dollars; and

(B) in the third, fourth, and fifth years, 1 non-Federal dollar for each Federal dollar.

##### (2) Form of non-Federal contributions

Not more than one-half of the non-Federal sector matching assistance may be in the form of in-kind contributions that are budget line items only, including office equipment and office space.

##### (3) Form of Federal contributions

The financial assistance authorized pursuant to this section may be made by grant, contract, or cooperative agreement and may contain such provision, as necessary, to provide for payments in lump sum or installments, and in advance or by way of reimbursement. The Administration may disburse up to 25 percent of each year's Federal share awarded to a recipient organization after notice of the award has been issued and before the non-Federal sector matching funds are obtained.

##### (4) Failure to obtain non-Federal funding

If any recipient of assistance fails to obtain the required non-Federal contribution during any project, it shall not be eligible thereafter for advance disbursements pursuant to paragraph (3) during the remainder of that project, or for any other project for which it is or may be funded by the Administration, and prior to approving assistance to such organization for any other projects, the Administration shall specifically determine whether the Administration believes that the recipient will be able to obtain the requisite non-Federal funding and enter a written finding setting forth the reasons for making such determination.

#### (d) Contract authority

A women's business center may enter into a contract with a Federal department or agency to provide specific assistance to women and

other underserved small business concerns. Performance of such contract should not hinder the women's business centers in carrying out the terms of the grant received by the women's business centers from the Administration.

**(e) Submission of 5-year plan**

Each applicant organization initially shall submit a 5-year plan to the Administration on proposed fundraising and training activities, and a recipient organization may receive financial assistance under this program for a maximum of 5 years per women's business center site.

**(f) Criteria**

The Administration shall evaluate and rank applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance. Such criteria and their relative importance shall be made publicly available and stated in each solicitation for applications made by the Administration. The criteria shall include—

- (1) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of women business owners or potential owners;
- (2) the present ability of the applicant to commence a project within a minimum amount of time;
- (3) the ability of the applicant to provide training and services to a representative number of women who are both socially and economically disadvantaged; and
- (4) the location for the women's business center site proposed by the applicant.

**(g) Office of Women's Business Ownership**

**(1) Establishment**

There is established within the Administration an Office of Women's Business Ownership, which shall be responsible for the administration of the Administration's programs for the development of women's business enterprises (as defined in section 7108 of this title). The Office of Women's Business Ownership shall be administered by an Assistant Administrator, who shall be appointed by the Administrator.

**(2) Assistant Administrator of the Office of Women's Business Ownership**

**(A) Qualification**

The position of Assistant Administrator shall be a Senior Executive Service position under section 3132(a)(2) of title 5. The Assistant Administrator shall serve as a noncareer appointee (as defined in section 3132(a)(7) of that title).

**(B) Responsibilities and duties**

**(i) Responsibilities**

The responsibilities of the Assistant Administrator shall be to administer the programs and services of the Office of Women's Business Ownership established to assist women entrepreneurs in the areas of—

- (I) starting and operating a small business;
- (II) development of management and technical skills;
- (III) seeking Federal procurement opportunities; and

- (IV) increasing the opportunity for access to capital.

**(ii) Duties**

The Assistant Administrator shall—

- (I) administer and manage the Women's Business Center program;
- (II) recommend the annual administrative and program budgets for the Office of Women's Business Ownership (including the budget for the Women's Business Center program);
- (III) establish appropriate funding levels therefore<sup>1</sup>;
- (IV) review the annual budgets submitted by each applicant for the Women's Business Center program;
- (V) select applicants to participate in the program under this section;
- (VI) implement this section;
- (VII) maintain a clearinghouse to provide for the dissemination and exchange of information between women's business centers;
- (VIII) serve as the vice chairperson of the Interagency Committee on Women's Business Enterprise;
- (IX) serve as liaison for the National Women's Business Council; and
- (X) advise the Administrator on appointments to the Women's Business Council.

**(C) Consultation requirements**

In carrying out the responsibilities and duties described in this paragraph, the Assistant Administrator shall confer with and seek the advice of the Administration officials in areas served by the women's business centers.

**(h) Program examination**

**(1) In general**

The Administration shall—

(A) develop and implement an annual programmatic and financial examination of each women's business center established pursuant to this section, pursuant to which each such center shall provide to the Administration—

- (i) an itemized cost breakdown of actual expenditures for costs incurred during the preceding year; and
- (ii) documentation regarding the amount of matching assistance from non-Federal sources obtained and expended by the center during the preceding year in order to meet the requirements of subsection (c) and, with respect to any in-kind contributions described in subsection (c)(2) that were used to satisfy the requirements of subsection (c), verification of the existence and valuation of those contributions; and

(B) analyze the results of each such examination and, based on that analysis, make a determination regarding the programmatic and financial viability of each women's business center.

**(2) Conditions for continued funding**

In determining whether to award a contract (as a sustainability grant) under subsection (l)

<sup>1</sup> So in original. Probably should be "therefor".

or to renew a contract (either as a grant or cooperative agreement) under this section with a women's business center, the Administration—

(A) shall consider the results of the most recent examination of the center under paragraph (1); and

(B) may withhold such award or renewal, if the Administration determines that—

(i) the center has failed to provide any information required to be provided under clause (i) or (ii) of paragraph (1)(A), or the information provided by the center is inadequate; or

(ii) the center has failed to provide any information required to be provided by the center for purposes of the report of the Administration under subsection (j), or the information provided by the center is inadequate.

**(i) Contract authority**

The authority of the Administrator to enter into contracts shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts. After the Administrator has entered into a contract, either as a grant or a cooperative agreement, with any applicant under this section, it shall not suspend, terminate, or fail to renew or extend any such contract unless the Administrator provides the applicant with written notification setting forth the reasons therefore<sup>1</sup> and affords the applicant an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5.

**(j) Management report**

**(1) In general**

The Administration shall prepare and submit to the Committees on Small Business of the House of Representatives and the Senate a report on the effectiveness of all projects conducted under this section.

**(2) Contents**

Each report submitted under paragraph (1) shall include information concerning, with respect to each women's business center established pursuant to this section—

(A) the number of individuals receiving assistance;

(B) the number of startup business concerns formed;

(C) the gross receipts of assisted concerns;

(D) the employment increases or decreases of assisted concerns;

(E) to the maximum extent practicable, increases or decreases in profits of assisted concerns; and

(F) the most recent analysis, as required under subsection (h)(1)(B), and the subsequent determination made by the Administration under that subsection.

**(k) Authorization of appropriations**

**(1) In general**

There is authorized to be appropriated, to remain available until the expiration of the pilot program under subsection (l)—

(A) \$12,000,000 for fiscal year 2000;

(B) \$12,800,000 for fiscal year 2001;

(C) \$13,700,000 for fiscal year 2002; and

(D) \$14,500,000 for fiscal year 2003.

**(2) Use of amounts**

**(A) In general**

Except as provided in subparagraph (B), amounts made available under this subsection for fiscal year 1999, and each fiscal year thereafter, may only be used for grant awards and may not be used for costs incurred by the Administration in connection with the management and administration of the program under this section.

**(B) Exceptions**

Of the amount made available under this subsection for a fiscal year, the following amounts shall be available for selection panel costs, post-award conference costs, and costs related to monitoring and oversight:

(i) For fiscal year 2000, 2 percent.

(ii) For fiscal year 2001, 1.9 percent.

(iii) For fiscal year 2002, 1.9 percent.

(iv) For fiscal year 2003, 1.6 percent.

**(3) Expedited acquisition**

Notwithstanding any other provision of law, the Administrator, acting through the Assistant Administrator, may use such expedited acquisition methods as the Administrator determines to be appropriate to carry out this section, except that the Administrator shall ensure that all small business sources are provided a reasonable opportunity to submit proposals.

**(4) Reservation of funds for sustainability pilot program**

**(A) In general**

Subject to subparagraph (B), of the total amount made available under this subsection for a fiscal year, the following amounts shall be reserved for sustainability grants under subsection (l):

(i) For fiscal year 2000, 17 percent.

(ii) For fiscal year 2001, 18.8 percent.

(iii) For fiscal year 2002, 30.2 percent.

(iv) For fiscal year 2003, 30.2 percent.

**(B) Use of unawarded funds for sustainability pilot program grants**

If the amount reserved under subparagraph (A) for any fiscal year is not fully awarded to private nonprofit organizations described in subsection (l)(1)(B), the Administration is authorized to use the unawarded amount to fund additional women's business center sites or to increase funding of existing women's business center sites under subsection (b).

**(l) Repealed. Pub. L. 110-28, title VIII, § 8305(b), May 25, 2007, 121 Stat. 210**

**(m) Continued funding for centers**

**(1) In general**

A nonprofit organization described in paragraph (2) shall be eligible to receive, subject to paragraph (3), a 3-year grant under this subsection.

**(2) Applicability**

A nonprofit organization described in this paragraph is a nonprofit organization that has received funding under subsection (b) or (l).

**(3) Application and approval criteria****(A) Criteria**

Subject to subparagraph (B), the Administrator shall develop and publish criteria for the consideration and approval of applications by nonprofit organizations under this subsection.

**(B) Contents**

Except as otherwise provided in this subsection, the conditions for participation in the grant program under this subsection shall be the same as the conditions for participation in the program under subsection (l), as in effect on May 25, 2007.

**(C) Notification**

Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this subsection and notify the applicant for each such application.

**(4) Award of grants****(A) In general**

Subject to the availability of appropriations, the Administrator shall make a grant for the Federal share of the cost of activities described in the application to each applicant approved under this subsection.

**(B) Amount**

A grant under this subsection shall be for not more than \$150,000, for each year of that grant.

**(C) Federal share**

The Federal share under this subsection shall be not more than 50 percent.

**(D) Priority**

In allocating funds made available for grants under this section, the Administrator shall give applications under this subsection or subsection (l) priority over first-time applications under subsection (b).

**(5) Renewal****(A) In general**

The Administrator may renew a grant under this subsection for additional 3-year periods, if the nonprofit organization submits an application for such renewal at such time, in such manner, and accompanied by such information as the Administrator may establish.

**(B) Unlimited renewals**

There shall be no limitation on the number of times a grant may be renewed under subparagraph (A).

**(n) Privacy requirements****(1) In general**

A women's business center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, unless—

(A) the Administrator is ordered to make such a disclosure by a court in any civil or

criminal enforcement action initiated by a Federal or State agency; or

(B) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a women's business center, but a disclosure under this subparagraph shall be limited to the information necessary for such audit.

**(2) Administration use of information**

This subsection shall not—

(A) restrict Administration access to program activity data; or

(B) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

**(3) Regulations**

The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under paragraph (1)(B).

**(o) Study and report on representation of women****(1) Study**

The Administrator shall periodically conduct a study to identify industries, as defined under the North American Industry Classification System, underrepresented by small business concerns owned and controlled by women.

**(2) Report**

Not later than 3 years after January 2, 2013, and every 5 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of each study under paragraph (1) conducted during the 5-year period ending on the date of the report.

(Pub. L. 85-536, §2[29], formerly §2[28], as added Pub. L. 102-191, §2, Dec. 5, 1991, 105 Stat. 1589; renumbered §2[29] and amended Pub. L. 103-403, title IV, §§411, 412, Oct. 22, 1994, 108 Stat. 4192, 4193; Pub. L. 105-135, title III, §308(a), Dec. 2, 1997, 111 Stat. 2611; Pub. L. 106-17, §§2(a), 3, Apr. 6, 1999, 113 Stat. 27; Pub. L. 106-165, §§2-4(b), Dec. 9, 1999, 113 Stat. 1795-1798; Pub. L. 110-28, title VIII, §8305(a), (b), May 25, 2007, 121 Stat. 209, 210; Pub. L. 111-240, title I, §1401(b), (c)(2), Sept. 27, 2010, 124 Stat. 2549, 2550; Pub. L. 112-239, div. A, title XVI, §1697(b), Jan. 2, 2013, 126 Stat. 2091; Pub. L. 113-291, div. A, title VIII, §825(c), Dec. 19, 2014, 128 Stat. 3438.)

## REFERENCES IN TEXT

Subsec. (l), referred to in subsecs. (h)(2), (k)(1), (4), and (m)(2), (3)(B), (4)(D), was repealed by Pub. L. 110-28, title VIII, §8305(b), May 25, 2007, 121 Stat. 210, effective Oct. 1 of the first full fiscal year after May 25, 2007.

## CODIFICATION

May 25, 2007, referred to in subsec. (m)(3)(B), was in the original "the date of enactment of this Act", which was translated as meaning the date of enactment of Pub. L. 110-28, which enacted subsec. (m), to reflect the probable intent of Congress.

## AMENDMENTS

2014—Subsec. (o)(2). Pub. L. 113-291 substituted "3 years after January 2, 2013" for "5 years after January 2, 2013".

2013—Subsec. (o). Pub. L. 112-239 added subsec. (o).

2010—Subsec. (c)(1). Pub. L. 111-240, §1401(c)(2)(A), substituted “As a condition” for “Subject to paragraph (5), as a condition” in introductory provisions.

Pub. L. 111-240, §1401(b)(1), substituted “Subject to paragraph (5), as a condition” for “As a condition” in introductory provisions.

Subsec. (c)(5). Pub. L. 111-240, §1401(c)(2)(B), struck out par. (5) which related to waiver of non-Federal share relating to technical assistance and counseling.

Pub. L. 111-240, §1401(b)(2), added par. (5).

2007—Subsec. (l). Pub. L. 110-28, §8305(b), struck out subsec. (l) which related to establishment of a sustainability pilot program.

Subsecs. (m), (n). Pub. L. 110-28, §8305(a), added subsecs. (m) and (n).

1999—Subsec. (a)(2) to (4). Pub. L. 106-165, §2(1), added par. (2) and redesignated former pars. (2) and (3) as pars. (3) and (4), respectively.

Subsec. (b). Pub. L. 106-165, §2(2), inserted “non-profit” after “private” in introductory provisions.

Subsec. (c)(1). Pub. L. 106-17, §2(a), inserted “and” after the semicolon in subpar. (A), added subpar. (B), and struck out former subpars. (B) and (C) which read as follows:

“(B) in the third and fourth years, 1 non-Federal dollar for each Federal dollar; and

“(C) in the fifth year, 2 non-Federal dollars for each Federal dollar.”

Subsec. (h). Pub. L. 106-165, §3(1), added subsec. (h) and struck out heading and text of former subsec. (h). Text read as follows:

“(1) IN GENERAL.—Not later than 180 days after December 2, 1997, the Administrator shall develop and implement an annual programmatic and financial examination of each women’s business center established pursuant to this section.

“(2) EXTENSION OF CONTRACTS.—In extending or renewing a contract with a women’s business center, the Administrator shall consider the results of the examination conducted under paragraph (1).”

Subsec. (j). Pub. L. 106-165, §3(2), added subsec. (j) and struck out heading and text of former subsec. (j). Text read as follows: “The Administrator shall prepare and submit an annual report to the Committees on Small Business of the House of Representatives and the Senate on the effectiveness of all projects conducted under the authority of this section. Such report shall provide information concerning—

“(1) the number of individuals receiving assistance;

“(2) the number of startup business concerns formed;

“(3) the gross receipts of assisted concerns;

“(4) increases or decreases in profits of assisted concerns; and

“(5) the employment increases or decreases of assisted concerns.”

Subsec. (k)(1). Pub. L. 106-165, §4(b)(1), added par. (1) and struck out heading and text of former par. (1). Text read as follows: “There is authorized to be appropriated \$11,000,000 for each fiscal year to carry out the projects authorized under this section, of which, for fiscal year 1998, not more than 5 percent may be used for administrative expenses related to the program under this section.”

Pub. L. 106-17, §3, substituted “\$11,000,000” for “\$8,000,000”.

Subsec. (k)(2). Pub. L. 106-165, §4(b)(2), designated existing provisions as subpar. (A), inserted heading, substituted “Except as provided in subparagraph (B), amounts made” for “Amounts made”, and added subpar. (B).

Subsec. (k)(4). Pub. L. 106-165, §4(b)(3), added par. (4).

Subsec. (l). Pub. L. 106-165, §4(a), added subsec. (l).

1997—Pub. L. 105-135 amended section generally, substituting provisions relating to women’s business center program for provisions relating to women’s demonstration projects.

1994—Subsec. (g). Pub. L. 103-403, §411(2), substituted “1997” for “1995”.

Subsec. (h). Pub. L. 103-403, §412, added subsec. (h).

#### CHANGE OF NAME

Committee on Small Business of Senate changed to Committee on Small Business and Entrepreneurship of Senate. See Senate Resolution No. 123, One Hundred Seventh Congress, June 29, 2001.

#### EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-240, title I, §1401(c), Sept. 27, 2010, 124 Stat. 2549, provided that the amendment made by section 1401(c)(2) is effective Oct. 1, 2012.

#### EFFECTIVE DATE OF 2007 AMENDMENT

Pub. L. 110-28, title VIII, §8305(b), May 25, 2007, 121 Stat. 210, provided that the amendment made by section 8305(b) is effective Oct. 1 of the first full fiscal year after May 25, 2007.

#### EFFECTIVE DATE OF 1999 AMENDMENTS

Pub. L. 106-165, §6, Dec. 9, 1999, 113 Stat. 1801, provided that: “This Act [amending this section and enacting provisions set out as notes under this section and section 631 of this title] and the amendments made by this Act shall take effect on October 1, 1999.”

Pub. L. 106-17, §2(b), Apr. 6, 1999, 113 Stat. 27, provided that: “The amendments made by this section [amending this section] shall apply beginning October 1, 1998.”

#### EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-135 effective Oct. 1, 1997, see section 3 of Pub. L. 105-135, set out as a note under section 631 of this title.

#### REGULATIONS

Pub. L. 106-165, §4(c), Dec. 9, 1999, 113 Stat. 1799, provided that: “Not later than 30 days after the date of enactment of this Act [Dec. 9, 1999], the Administrator of the Small Business Administration shall issue guidelines to implement the amendments made by this section [amending this section].”

#### TRANSITIONAL RULE

Pub. L. 110-28, title VIII, §8305(c), May 25, 2007, 121 Stat. 210, provided that: “Notwithstanding any other provision of law, a grant or cooperative agreement that was awarded under subsection (l) of section 29 of the Small Business Act (15 U.S.C. 656), on or before the day before the date described in subsection (b) of this section [set out as an Effective Date of 2007 Amendment note above], shall remain in full force and effect under the terms, and for the duration, of such grant or agreement.”

#### APPLICABILITY

Pub. L. 105-135, title III, §308(b), Dec. 2, 1997, 111 Stat. 2615, provided that:

“(1) IN GENERAL.—Subject to paragraph (2), any organization conducting a 3-year project under section 29 of the Small Business Act (15 U.S.C. 656) (as in effect on the day before the effective date of this Act [Dec. 2, 1997]) on September 30, 1997, may request an extension of the term of that project to a total term of 5 years. If such an extension is made, the organization shall receive financial assistance in accordance with section 29(c) of the Small Business Act (as amended by this section) subject to procedures established by the Administrator, in coordination with the Assistant Administrator of the Office of Women’s Business Ownership established under section 29 of the Small Business Act (15 U.S.C. 656) (as amended by this section).

“(2) TERMS OF ASSISTANCE FOR CERTAIN ORGANIZATIONS.—Any organization operating in the third year of a 3-year project under section 29 of the Small Business Act (15 U.S.C. 656) (as in effect on the day before the effective date of this Act) on September 30, 1997, may request an extension of the term of that project to a total term of 5 years. If such an extension is made, during

the fourth and fifth years of the project, the organization shall receive financial assistance in accordance with section 29(c)(1)(C) of the Small Business Act (as amended by this section) subject to procedures established by the Administrator, in coordination with the Assistant Administrator of the Office of Women's Business Ownership established under section 29 of the Small Business Act (15 U.S.C. 656) (as amended by this section)."

### § 657. Oversight of regulatory enforcement

#### (a) Definitions

For purposes of this section, the term—

(1) "Board" means a Regional Small Business Regulatory Fairness Board established under subsection (c); and

(2) "Ombudsman" means the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under subsection (b).

#### (b) SBA Enforcement Ombudsman

(1) Not later than 180 days after March 29, 1996, the Administrator shall designate a Small Business and Agriculture Regulatory Enforcement Ombudsman, who shall report directly to the Administrator, utilizing personnel of the Small Business Administration to the extent practicable. Other agencies shall assist the Ombudsman and take actions as necessary to ensure compliance with the requirements of this section. Nothing in this section is intended to replace or diminish the activities of any Ombudsman or similar office in any other agency.

(2) The Ombudsman shall—

(A) work with each agency with regulatory authority over small businesses to ensure that small business concerns that receive or are subject to an audit, on-site inspection, compliance assistance effort, or other enforcement related communication or contact by agency personnel are provided with a means to comment on the enforcement activity conducted by such personnel;

(B) establish means to receive comments from small business concerns regarding actions by agency employees conducting compliance or enforcement activities with respect to the small business concern, means to refer comments to the Inspector General of the affected agency in the appropriate circumstances, and otherwise seek to maintain the identity of the person and small business concern making such comments on a confidential basis to the same extent as employee identities are protected under section 7 of the Inspector General Act of 1978 (5 U.S.C. App.);

(C) based on substantiated comments received from small business concerns and the Boards, annually report to Congress and affected agencies evaluating the enforcement activities of agency personnel including a rating of the responsiveness to small business of the various regional and program offices of each agency;

(D) coordinate and report annually on the activities, findings and recommendations of the Boards to the Administrator and to the heads of affected agencies; and

(E) provide the affected agency with an opportunity to comment on draft reports prepared under subparagraph (C), and include a section of the final report in which the af-

ected agency may make such comments as are not addressed by the Ombudsman in revisions to the draft.

#### (c) Regional Small Business Regulatory Fairness Boards

(1) Not later than 180 days after March 29, 1996, the Administrator shall establish a Small Business Regulatory Fairness Board in each regional office of the Small Business Administration.

(2) Each Board established under paragraph (1) shall—

(A) meet at least annually to advise the Ombudsman on matters of concern to small businesses relating to the enforcement activities of agencies;

(B) report to the Ombudsman on substantiated instances of excessive enforcement actions of agencies against small business concerns including any findings or recommendations of the Board as to agency enforcement policy or practice; and

(C) prior to publication, provide comment on the annual report of the Ombudsman prepared under subsection (b).

(3) Each Board shall consist of five members, who are owners, operators, or officers of small business concerns, appointed by the Administrator, after receiving the recommendations of the chair and ranking minority member of the Committees on Small Business of the House of Representatives and the Senate. Not more than three of the Board members shall be of the same political party. No member shall be an officer or employee of the Federal Government, in either the executive branch or the Congress.

(4) Members of the Board shall serve at the pleasure of the Administrator for terms of three years or less.

(5) The Administrator shall select a chair from among the members of the Board who shall serve at the pleasure of the Administrator for not more than 1 year as chair.

(6) A majority of the members of the Board shall constitute a quorum for the conduct of business, but a lesser number may hold hearings.

#### (d) Powers of Boards

(1) The Board may hold such hearings and collect such information as appropriate for carrying out this section.

(2) The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(3) The Board may accept donations of services necessary to conduct its business, provided that the donations and their sources are disclosed by the Board.

(4) Members of the Board shall serve without compensation, provided that, members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of services for the Board.

(Pub. L. 85-536, §2[30], as added Pub. L. 104-121, title II, §222(2), Mar. 29, 1996, 110 Stat. 860.)